

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1/4/88-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules relating to recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post in the Directorate of Fisheries, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Directorate of Fisheries, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 1989.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 6th October, 1989.

SCHEDULE

1	2	3	4	5	6	a (6)	7	8	9	10	11	12	13
Name/designation of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under the C.O.S. (Pen- sion) Rules 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, /contract and the vacancies to be filled by various methods	In case of recruitment by promotion/transfer/grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
Diesel Salesman	1	Group 'C' (Non-Ministerial Non-Gazetted) dependent on workload.	Rs. 825-15-900-EB-20-1200.	Non-Selection.	Not exceeding 35 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government).		Essential: S. S. C. or equivalent. Desirable: 1) Experience in billing and preparing of connected statements. 2) Knowledge of Konkani and/or Marathi.	Age: No Qf.s.: Yes	Two years	By promotion falling which by direct recruitment.	Promotion: Group 'D' employees of the Department.	Group 'C' D.P.C.	N.A.

Law (Legal and Legislative Affairs) Department

Notification

10-3-88/LA. (Part)

The working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1989 (Central Act 31 of 1989) which has been passed by Parliament and assented to by the President of India on 28-8-1989 and published in the Gazette of India, Extraordinary, Part II, section 1, dated 31-8-1989, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 24th November, 1989.

The Working Journalists and Other Newspaper Employees
(Conditions of Service) and Miscellaneous Provisions
(Amendment) Act, 1989

AN

ACT

further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1989.

2. *Amendment of section 2.*—In section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act),—

(i) in clause (d), the following shall be inserted and shall be deemed always to have been inserted at the end, namely:—

“and includes newspaper establishments specified as one establishment under the Schedule.

Explanation.—For the purpose of this clause,—

(a) different department, branches and centres of newspaper establishments shall be treated as parts thereof;

(b) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;”;

(ii) after clause (ee), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(eee) “wages” means all remuneration capable of being expressed in terms of money,

which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his employment or of work done in such employment, and includes —

(i) such allowances (including dearness allowance) as the newspaper employee is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;

(iii) any travelling concession,

but does not include —

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

Explanation. — In this clause, the term “wages” shall also include new allowances, if any, of any description fixed from time to time.

3. *Amendment of section 10.* — In section 10 of the principal Act, to sub-section (4), the following *Explanation* shall be added, namely: —

“Explanation. — For the removal of doubts, it is hereby declared that nothing in this sub-section shall prevent the Board from making recommendations for fixation or revision of rates of wages on all-India basis.”

4. *Insertion of the Schedule.* — After section 20 of the principal Act, the following Schedule shall be inserted and shall be deemed always to have been inserted, namely: —

“THE SCHEDULE

[See section 2(d)]

1. For the purposes of clause (d) of section 2, —

(1) two or more newspaper establishments under common control shall be deemed to be one newspaper establishment;

(2) two or more newspaper establishments owned by an individual and his or her spouse shall be deemed to be one newspaper establishment unless it is shown that such spouse is a sole proprietor or partner or a share holder of a corporate body on the basis of his or her own individual funds;

(3) two or more newspaper establishments publishing newspapers bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory shall be deemed to be one newspaper establishment.

2. For the purposes of paragraph 1(1), two or more establishments shall be deemed to be under common control —

(a) (i) where the newspaper establishments are owned by a common individual or individuals;

(ii) where the newspaper establishments are owned by firms, if such firms have a substantial number of common partners;

(iii) where the newspaper establishments are owned by bodies corporate, if one body corporate is a subsidiary of the other body corporate, or both are subsidiaries of a common holding company or a substantial number of their equity shares are owned by the same person or group of persons, whether incorporated or not;

(iv) where one establishment is owned by a body corporate and the other is owned by a firm, if a substantial number of partners of the firm together hold a substantial number of equity shares of the body corporate;

(v) where one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners if a substantial number of equity shares of such bodies corporate are owned, directly or indirectly, by the same person or group of persons, whether incorporated or not, or

(b) where there is functional integrality between concerned newspaper establishments.”

Notification

7-17-89/LA

The Goa Administration of Evacuee Property (Amendment) Act, 1989 (Goa Act No. 19 of 1989) which has been passed by the Legislative Assembly of Goa on 9-8-1989 and assented to by the Governor of Goa on 7-11-1989 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 6th December, 1989.

The Goa Administration of Evacuee Property (Amendment) Act, 1989

(Goa Act No. 19 of 1989) [7-11-1989]

AN

ACT

to confer tenancy right on the tenants of agricultural lands which are evacuee properties and to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 and the Goa, Daman and Diu Agricultural Tenancy Act, 1964 therefor and for certain other matters.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Administration of Evacuee Property (Amendment) Act, 1989.

to (2) It shall come into force at once.

2. Amendment of section 2. — In section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964) (hereinafter referred to as the principal Act), —

(i) clause (a) shall be renumbered as clause (aaa) and before clause (aaa) as so renumbered, the following clauses shall be inserted, namely: —

“(a) ‘agriculture’ includes horticulture and raising of food crops, grass and garden produce but does not include allied pursuits.

“(aa) ‘allied pursuits’ means rearing or maintaining plough bulls, breeding of livestock, dairy farming, poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture, as may be prescribed.”

(ii) after clause (f), the following clause shall be inserted, namely: —

“(ff) ‘lease’ means a transfer of a right to enjoy land, made orally or in writing, by the evacuee for a specified or unspecified period, and in consideration of rent;”

(iii) after clause (k), the following clauses shall be inserted, namely: —

“(kk) ‘rent’ means any consideration in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

“(kkk) ‘tenancy’ means the relationship existing between the tenant and the Custodian;

“(kkkk) ‘tenant’ means a person who on or after the date of commencement of the Goa (Administration of Evacuee Property (Amendment) Act, 1989, holds land and cultivates it personally but does not include a person who holds land on lease for the purpose of plucking the fruits only.”

3. Substitution of section 3. — For section 3 of the principal Act, the following section shall be substituted, namely: —

“3. Act to override other laws. — (1) On and from the date of coming into force of the Goa Administration of Evacuee Property (Amendment) Act, 1989, the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for the time being in force, shall apply in respect of agricultural land and tenancies created by the Custodian.

(2) The provisions of this section shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained in any instrument having effect by virtue of any such law.”

4. Amendment of section 8. — In section 8 of the principal Act, —

(i) In sub-section (1), for the words “Subject to the provisions of any rules” the words “Save as otherwise expressly provided and subject to the provision of any rules” shall be substituted;

(ii) In sub-section (2), after clause (m), the following clause shall be inserted, namely: —

“(n) invest any money held by him in such securities as may be prescribed.”

5. Amendment of section 10. — In sub-section (1) of section 10 of the principal Act, after the words “Notwithstanding anything contained in any other law for the time being in force”, the words and figure “and save as provided in section 3” shall be inserted.

6. Amendment of section 15. — In sub-section (1) of section 15 of the principal Act, for the words “Subject to such rules”, the words and figure “Save as provided under section 3 and subject to such rules” shall be substituted.

7. Amendment of section 23. — In section 23 of the principal Act, for the words “Any person who fails to comply with”, the words and figure “Save as provided under section 3, any person who fails to comply with” shall be substituted.

8. Amendment of section 44. — In section 44 of the principal Act, for the words “Government may”, the words and figures “Save as provided under section 3, the Government may” shall be substituted.

9. Amendment of section 46. — In sub-section (2) of section 46 of the principal Act, after clause (r), the following clause shall be inserted, namely: —

“(rr) the securities in which the Custodian may invest any moneys held by him.”

10. Amendment of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. — In sub-section (1) of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), the words and figures “or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964” shall be omitted.

Secretariat Annexe **B. S. SUBBANNA**
Secretary to the Government of Goa,
Panaji, Law Department (Legal Affairs)

Dated: 6-12-1989.

Notification
7-16-88/LA

The Goa Essential Services Maintenance Act, 1988 (Goa Act No. 20 of 1989) which has been passed by the Legislative Assembly of Goa on 6-4-1988 and assented to by the President of India on 28-11-1989, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)
Panaji, 7th December, 1989.

The Goa Essential Services Maintenance Act, 1988
(Goa Act No. 20 of 1989) [28-11-1989]

AN
ACT

to provide for the maintenance of essential services and normal life of the community in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Essential Services Maintenance Act, 1988.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act, unless the context otherwise requires, —

(a) “essential service” means —

(i) any transport service for the carriage of passengers or goods, by land or water, with respect to which the State Legislature of Goa has power to make laws;

(ii) any service connected with the production, generation, storage, transmission, supply or distribution, as the case may be, of gas, water or electricity;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;

(iv) any public service and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the State Legislature;

(v) any other service or employment or class thereof, connected with matters to which the State Legislature of Goa has power to make laws and which the Government being of opinion that strikes in such service, employment, or class thereof, would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act.

(b) “Government” means the Government of Goa;

(c) “strike” means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or who have been so employed to continue to work or to accept employment, and includes —

(i) failure to attend at, or absence from, the place of work on any working day or during any working hours without obtaining the neces-

sary permission therefor of the authority competent to grant such permission;

(ii) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(iii) any other conduct which is likely to result in or results in, cessation or substantial retardation of work in any essential service.

(2) Every notification issued under sub-clause (v) of clause (a) of sub-section (1) shall be laid before the Legislative Assembly of Goa immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of the Legislature as the case may be, unless before the expiration of that period, a resolution approving the issue of the notification is passed by the Legislature.

(3) Where any notification under this section ceases to operate, the cesser shall be without prejudice to anything done or omitted to be done before such cesser.

3. Power to prohibit strikes in certain employments.— (1) If the Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1), —

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

(5) Any Order made under this section may at any time be rescinded by the Government by a like Order, but such rescission shall not affect the previous operation of anything duly done or suffered thereunder, and shall not affect any obligation or liability accrued or incurred or any penalty or punishment incurred in respect of any offence committed under this Act before such rescission.

(6) No Order under sub-section (1) or sub-section (3) or sub-section (5) shall be made in respect of persons appointed to the secretarial staff of the Legislative Assembly except at the request of the Speaker of the Legislative Assembly.

4. Penalty for illegal strikes. — Any person who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

5. Penalty for instigation, etc. — Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and any vehicle or other conveyance which is used by such person while committing such offence, shall, if having regard to all the circumstances the Court considers it just and proper so to order, be forfeited to the Government.

6. Penalty for giving financial aid to illegal strikes — Any person who knowingly extends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. Dismissal of employees participating in illegal strikes. — Any person, —

(a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike; or

(b) who instigates or incites other persons to commence, go or remain or otherwise take part in, any such strike, shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground not applicable to him in relation to his employment.

8. Provisions of section 102 of Code of Criminal Procedure 1973, to apply to seizure. — The provisions of section 102 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to seizure shall, so far as may be, apply in relation to every seizure made under section 8.

9. Offences under Act to be non-bailable. — Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be non-bailable.

10. Act to override other laws. — The provisions of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force.

Secretariat Annexe,
Panaji,

Dated: 7-12-1989.

B. S. SUBBANNA
Secretary to the Government of Goa,
Law Department (Legal Affairs)